

North Andover Conservation Commission Meeting Minutes

September 9, 2015

Members Present: Louis A. Napoli, Chairman, Albert P. Manzi, Jr., Vice Chairman, Douglas W. Saal, Sean F. McDonough.

Members Absent: Joseph W. Lynch, Jr., John T. Mabon, Deborah A. Feltovic.

Staff Members Present: Jennifer A. Hughes, Conservation Administrator, Donna M. Wedge Conservation Secretary.

Pledge of Allegiance

Meeting came to Order at: 7:30 PM Quorum Present.

Approval of Minutes 7/22/15 & 8/12/15

- A motion to accept the meeting minutes of 7/22/15 & 8/12/15 as drafted and reviewed is made by Mr. Manzi, seconded by Mr. Saal.
- Vote unanimous.

Public Meeting: 7:35PM

Small Project

NACC#157, Harkaway Road (Comcast)

- Administrator states this filing should not have been added to the agenda as materials were not submitted in time.
- A motion to grant the requests for a continuance to the September 23, 2015 meeting is made by Mr. McDonough, seconded by Mr. Manzi.
- Vote unanimous.

Document:

- *E/Mail prepared by Edward Thomson requests a continuance to the September 23, 2015 meeting*

NACC#155, 66 Equestrian Drive (Marcinelli)

- Administrator states the applicant is proposing to construct a deck which will be approximately 90' from wetland at the closest point.
- A motion to accept this as small project 4.4.2A is made by Mr. McDonough, seconded by Mr. Saal.
- Vote unanimous.
- A motion to accept this as a small project with conditions post inspection and wetland markers is made by Mr. McDonough, seconded by Mr. Saal.
- Vote unanimous.

Documents:

- *Application Checklist-Small Project*
- *Small Project Procedures*

- *Copy of Town Check*
- *Letter prepared by Michael Marcinelli scope of work for replacement of deck dated September 1, 2015*
- *As-Built Plan prepared by Derosa Environmental Consulting, Inc. dated August 26, 2015*

NACC#156, 164 Old Farm Road (Calvo)

- The applicant Paul Calvo of 164 Old Farm Road is present.
- Administrator states the applicant would like to grade his yard to install a swing set. The closest point of the work will be 75' from the wetland.
- Mr. Calvo states he will have the contractor cut and grade a higher portion of the yard and bring in about 22 yards of loam to grad the rest.
- Mr. Napoli asks if this is mostly a fill project.
- Mr. McDonough asks about the size of the project and where it fits into the small project list.
- The applicant states the work is no bigger than 50' x 50'.
- Mr. Manzi states there will be no impervious area.
- Mr. Napoli states construction access should be over side yard away from wetland.
- A motion to accept the filing as small project 4.4.2L is made by Mr. McDonough, seconded by Mr. Manzi.
- Vote unanimous.
- A motion to approve the small project as proposed with conditions for erosion control and pre & post construction inspections is made by Mr. McDonough, seconded by Mr. Manzi.
- Vote unanimous.

Documents:

- *Application Checklist-Small Project*
- *Small Project procedure*
- *Copy of Town Check*
- *Written scope of the work prepared by Paul Calvo of 164 Old Farm Road dated September 7, 2015*
- *North Andover MIMAP prepared by Conservation Department dated April 8, 2015*
- *North Andover MIMAP prepared by Conservation Department dated September 4, 2015*
- *Site Plan prepared by Christiansen & Sergi, Inc. dated November 24, 1987*

Request for Determination of Applicability

NACC#156, 64 North Cross Road (Alexander) (cont. from 8/26/15)

- The applicant Kristine M. Alexander is present.
- Administrator states a site visit was conducted on September 1, 2015. The general consensus of the commission was that the trees were very close to the house although generally all in good health.
- The Conservation Commission discusses the narrative, the safety of the house and the site conditions witnessed at the site visit.
- Mr. Manzi states due to the proximity of the trees to the house there is no alternative but removal.
- Mr. Manzi states the trees need to be taken in sections to protect other trees in the wetland.
- Mr. Napoli states he was not in favor of removing trees #3 & #7.

- Mr. Manzi states the rest of the canopy must be preserved. Stumps must be left.
- A motion to accept the waiver request is made by Mr. Manzi, seconded by Mr. Saal.
- Vote unanimous.
- A motion to issue a negative determination #2 & #5 with conditions pre & post inspections is made by Mr. Manzi, seconded by Mr. McDonough.
- Vote unanimous.

Documents:

- *Photos prepared by the Conservation Department dated July 23, 2015*
- *Photos prepared by the Conservation Department dated August 19, 2015*
- *Photos prepared by the Conservation Department dated August 24, 2015*
- *Photos prepared by the Conservation Department dated August 26, 2015*

602 Boxford Street (Lot 1) (S & L Homes, LLC) (Christiansen & Sergi, Inc.) (Request to cont. to 9/23/15)

- The Conservation Commission waives the reading of the legal notice. No Abutters present.
- The administrator states the applicant requests a continuance to the September 23, 2015 meeting.
- A motion to grant the requests a continuance to the September 23, 2015 meeting is made by Mr. Manzi, seconded by Mr. McDonough.
- Vote unanimous.

Document:

- *E/Mail prepared by Christiansen & Sergi, Inc. requests a continuance to the September 23, 2015 meeting dated September 9, 2015*

Notice of Intent (NOI)

242-1659, 415 Winter Street (Grimaldi) (Benjamin Osgood, Jr., P. E.) (cont. from 8/26/15)

- The administrator states the applicant requests a continuance to the September 23, 2015 meeting.
- A motion to grant the requests a continuance to the September 23, 2015 meeting is made by Mr. Manzi, seconded by Mr. Saal.
- Vote unanimous.

Document:

- *E/Mail prepared by TTI Environmental requests a continuance to the September 23, 2015 meeting dated September 3, 2015*

242-1657, 777 Great Pond Road (Ibbitson) (Williams & Sparages) (cont. from 8/26/15)

- Gregory Hochmuth of Williams & Sparages is present.
- Mr. Hochmuth states about 600 yards of material is to be removed. He states the Planning Board wants to have the applicant attend their next meeting.
- A motion to grant the requests a continuance to the September 23, 2015 meeting is made by Mr. Manzi, seconded by Mr. McDonough.
- Vote unanimous.

Document:

- *The verbal requests at the meeting from Gregory Hochmuth of Williams & Sparages requests a continuance to the September 23, 2015 meeting dated September 9, 2015*

242-1656, 95 Old Cart Way (Murtha, III) (Markey Land Development Consulting) (cont. from 8/26/15)

- The applicant Thomas Murtha of 95 Old Cart Way is present.
- The commission discusses the new “horizontal” measurement on the plan.
- The commission reviews the letter from the applicant’s attorney.
- Mr. Napoli states an alternatives analysis has still not been provided.
- Mr. Murtha makes a comparison to the sports court project at 77 Bear Hill Road.
- The commission states the 77 Bear Hill Project did not require a waiver because it was reconstruction of lawfully approved structures.
- Mr. Murtha states he can cantilever the landing so it is not in the No-Build Zone.
- Mr. Manzi states the applicant should post escrow of \$500.00 for third party review to resolve the question of distance to the wetland.
- The commission discusses the location of the landing and stairs and states that a full alternatives analysis is still needed.
- Mr. Murtha discusses the current stairs and the mold and water condition that exists there.
- Mr. Napoli states this area is still proposed to be deck.
- The commission states measurements on the plan have been done in an unconventional way and must be reviewed.
- Mr. Saal states review of survey plan should be approximately \$500.00. Commission suggests escrow account of this amount.
- Mr. Saal reviews several other alternatives that have not been explored.
- Mr. Manzi states an alternatives analysis is still needed and the measurement needs to be confirmed. He asks Mr. Murtha if two weeks will be enough to get this done.
- Mr. Murtha states it is.
- A motion to grant the requests a continuance to the September 23, 2015 meeting is made by Mr. Saal, seconded by Mr. McDonough.
- Vote unanimous.

Documents:

- *Letter prepared by Francis A. Di Luna of Murtha Cullina Law Offices dated August 25, 2015*
- *Letter prepared by Markey Land Development Consulting dated August 25, 2015*
- *Notice of Intent Site Plan prepared by Markey Land Development Consulting dated September 1, 2015*
- *Photos prepared by the North Andover Conservation Department dated June 30, 2015*
- *Photos prepared by the North Andover Conservation Department dated July 17, 2015*

General Business: 8:00PM

NACC#126, COC Request, 107 Campion (Saragas) (Andover Consultants, Inc.)(cont. from 8/26/15) (Request to cont. to 9/23/15)

- Administrator states the applicant requests a continuance to the September 23, 2015 meeting to stabilize the area outside the rain garden.

- A motion to grant the requests for a continuance to the September 23, 2015 meeting is made by Mr. Manzi, seconded by Mr. McDonough.
- Vote unanimous.

Documents:

- *Phone call from the applicant James Saragas requests a continuance to the September 23, 2015 meeting dated September 9, 2015*
- *Photos prepared by the North Andover Conservation Department dated September 8, 2015*

242-57, PCOC Request, 71 Bonny Lane (Lot 15) (Gwendolyn) (Hinckley, Allen & Snyder LLP)

- John L. Arnold of Hinckley, Allen & Snyder LLP is present.
- Administrator states this house was proposed and built more than 100' from the wetlands in 1981. Field Inspector visited site and no violations.
- A motion to issue the PCOC for 71 Bonny Lane (Lot 15) only is made by Mr. Manzi, seconded by Mr. McDonough.
- Vote unanimous.

Documents:

- *Letter prepared by Hinckley, Allen & Snyder LLP dated August 27, 2015*
- *WPA Form 8A-Request for Partial Certificate of Compliance*

242-1566, COC Request, 95 Olympic Lane (Verminski) (Goddard Consulting, LLC)

- Administrator states the OOC contained language that an as-built "may" be required. This has created confusion for the applicant.
- The Conservation Commission discusses the language but states that compliance cannot be confirmed without an as-built.
- A motion to grant the request for a continuance to the September 23, 2015 meeting is made by Mr. Manzi, seconded by Mr. McDonough.
- Vote unanimous.

Document:

- *E/Mail prepared by Michelle Verminski requests a continuance to the September 23, 2015 meeting dated September 9, 2015*

242-1601, PCOC Request, 19-21 Cotuit Street (Lot 2) (Seaport Homes, LLC) (TTI Environmental, Inc.) (cont. from 8/26/15) (Request to cont. to 9/23/15)

- Administrator states the applicant's engineer requests a continuance to the September 23, 2015 meeting.
- A motion to grant the request for a continuance to the September 23, 2015 meeting is made by Mr. Manzi, seconded by Mr. McDonough.
- Vote unanimous.

Document:

- *E/Mail prepared by TTI Environmental, Inc. requests a continuance to the September 23, 2015 meeting dated September 9, 2015*

242-1620, COC Request, 179 Osgood Street (North Andover Historical Society) (TTI Environmental, Inc.) (cont. from 8/26/15)

- Administrator states the applicant requests a continuance to the September 23, 2015 meeting.
- A motion to grant the request for a continuance to the September 23, 2015 meeting is made by Mr. Manzi, seconded by Mr. Saal.
- Vote unanimous.

Document:

- *E/Mail prepared by TTI Environmental, Inc. requests a continuance to September 23, 2015 meeting dated September 9, 2015*

242-1538, COC Request, 622 Salem Street (Swimm)

- Administrator states the applicant was required to plant and monitor 6 blueberry shrubs following a violation. Work is complete.
- A motion to issue the COC is made by Mr. Manzi, seconded by Mr. McDonough.
- Vote unanimous.

Documents:

- *Letter prepared by Teresa Swimm dated August 20, 2015*
- *WPA Form 8A-Request for Certificate of Compliance*
- *Photos prepared by the North Andover Conservation Department dated September 8, 2015*

Half Mile Hill Mowing Plan (Sardella)

- Steve Sardella of Crescent Farm Bradford, MA is present.
- Administrator states Mr. Sardella agreed to mow Half Mile Hill this season and completed work over the weekend.
- Mr. Sardella presents his long-term plan for improving hay crop on half mile hill. He states seeding is expensive and might like to till and revegetate.
- Mr. Manzi states this is difficult with the soils and slope at Half mile.
- Mr. Sardella states soils testing would be next.
- Mr. Manzi states a no-till conservation approach is best.
- Mr. Sardella states a plan could be submitted after soil testing. He asks about herbicides.
- The Administrator states herbicides are not permitted in the watershed.
- Mr. Sardella reviews the yield on the lease portion of Half Mile Hill. Is approximately 900 squares.
- Mr. Manzi states with the right plan he would be happy to have Crescent Farm up there.

Enforcement Order

1635 Osgood Street (BEM Realty LLC/Mueskes)

- Brian Mueskes of 1635 Osgood Street is present.
- The Administrator reviews the violation and the plan.
- Mr. Mueskes discusses his plan to move the block walls out of the 50-foot No Build Zone.
- Mr. Napoli states a new block wall could run along the 50'. He also states the swale needs to be restored.
- A motion to ratify the Enforcement Order is made by Mr. McDonough, seconded by Mr. Manzi.
- Vote unanimous.

- A motion to issue a new Enforcement Order is made by Mr. McDonough, seconded Mr. Manzi. EO requires that a more specific plan of the work be submitted and approved by the Conservation Department and that the work be completed in 60 days.

- Vote unanimous.

Documents:

- *As-Built Site Plan prepared by Marchionda & Associates, L. P. dated September 9, 2015*
- *Letter prepared by the North Andover Conservation Department dated September 2, 2015*
- *WPA Form 9-Enforcment Order dated September 2, 2015*
- *WPA From 9-Enforcment Order dated September 24, 2015*
- *MA GIS Aerial- 2001 prepared by the North Andover Conservation Department dated September 2, 2015*
- *MA GIS Aerial-2005 prepared by the North Andover Conservation Department dated September 2, 2015*
- *MA GIS Aerial-2008-2009 prepared by the North Andover Conservation Department dated September 2, 2015*
- *MA GIS Aerial-2011/2012 prepared by the North Andover Conservation Department dated September 2, 2015*
- *MA GIS Aerial-2013/2014 prepared by the North Andover Conservation Department dated September 2, 2015*
- *Photo prepared by the North Andover Conservation Department dated January 2012*

Decision

242-1658, 77 Bear Hill Road

- The administrator reviews the drafted Order of Conditions.
- The Commission accepts Order of Conditions as drafted and amended.
- A motion to accept the Order of Conditions as drafted and amended is made by Mr. McDonough, seconded by Mr. Manzi.
- Vote unanimous.

A motion to adjourn the meeting at: 9:10PM is made by Mr. McDonough, seconded by Mr. Manzi,

Vote unanimous.

